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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**

8 **-oOo-**
9 UNITED STATES OF AMERICA,)
10 Plaintiff,)
11 vs.) 2:10-cr-401-PMP-GWF
12 LARRY GODDALL,) **GOVERNMENT'S**
13 Defendant.) **MOTION FOR CONTINUANCE**
14

15 The United States of America, by DANIEL G. BOGDEN, United States Attorney, and
16 PETER S. LEVITT, Assistant United States Attorney, request that this Court enter an order to
17 continue the deadline to respond to defendant Larry Goodall's motion under 28 U.S.C. § 2255, to
18 vacate, set aside or correct sentence by a person in federal custody (DC Doc. No. 66, Jan. 14,
19 2013). Currently, the Government's response is due on March 12, 2013; by this motion, the
20 Government requests that the deadline be continued until May 13, 2013.

21 **MOTION FOR CONTINUANCE**

22 1. Declarant is an Assistant United States Attorney (AUSA) in the District of
23 Nevada and has been such since August 2004. In January 2008, declarant began work in the
24 Appellate Division of the United States Attorney's Office of the District of Nevada. This requires
25 ongoing legal research and brief-writing for appeals in the Ninth Circuit, as well as responses to
26 motions under 28 U.S.C. § 2255, such as the present motion.

2. Specifically, declarant must write the Answering Briefs in *United States v.*
Velazquez, CA No. 12-10355 (due March 21, 2013), and *United States v. Mazzearella*, CA Doc.

1 No. 12-10171. The Answering Brief in the latter case derives – together with *United States v.*
2 *Grimm* – from the 36-day jury trial of Mazzaella and Grimm in DC No. 2:08-cr-0064-RLH-GWF.

3 3. Declarant continues to handle all aspects of the litigation involving sentence
4 reductions based on the March 2008 amendments to the advisory guidelines for cocaine base
5 (Amendment 706), and the November 2011 amendments (Amendment 750).

6 4. Declarant was recently designated as the “taint attorney” to review the fruits of a
7 search warrant resulting in the seizure of over 2,000 electronic mails (“e-mails”) from the target of
8 a criminal investigation. Before March 29, 2013, the declarant must review each e-mail and
9 determine which are protected by a privilege and which can be disclosed to the trial and
10 investigation teams. After completing this review, declarant must prepare for an evidentiary
11 hearing where he will defend any decisions to designate certain e-mails “not privileged” or subject
12 to the “crime/fraud exception” to any claim of privilege.

13 5. On February 20, 2013, the declarant received a Notice of Proposed Furlough, which
14 has now been triggered by the March 1, 2013 sequester and the mandatory across-the-board
15 spending cuts for the federal Government. The declarant understands that, from April 21, 2013
16 through September 30, 2013, he may be furloughed without pay for a maximum of 14 days (112
17 hours).

18 6. This is Government’s first request for an extension of time to file the response in
19 opposition to defendant’s motion under Section 2255. Granting this extension will permit
20 declarant to respond thoroughly to the issues raised in defendant’s motion and, if necessary, file a
21 motion to waive the attorney-client privilege and obtain a responsive declaration from trial
22 counsel.

23 7. Defendant is currently serving his custodial sentence, with a projected release
24 date of June 26, 2017. See www.bop.gov. After defendant’s direct appeal, the Ninth Circuit
25 affirmed this Court’s decision order refusing to allow him to withdraw his guilty plea. See DC
26 Doc. No. DC Doc. No. 62 (Sept. 19, 2012) (unpublished memorandum opinion states, among

1 other things, that evidence of defendant's guilt is "extensive;" that defendant failed to show a "fair
2 and just reason" to withdraw his guilty plea; and that defendant "received a substantially shorter
3 sentence than he would have had he been convicted of the three other charges that the government
4 dropped under the terms of the plea agreement."). Defendant will thus sustain no legally-
5 cognizable prejudice as a result of this continuance.

6 **WHEREFORE**, based on the foregoing, it is respectfully requested that the court enter an
7 order granting this motion and permitting the United States up to and including May 13, 2013, to
8 file its response to the defendant's motion under Section 2255.

9 **DATED** this 11th day of March, 2013.

10 Respectfully submitted,

11 DANIEL G. BOGDEN
12 United States Attorney

13 /s/
14 PETER S. LEVITT
15 Assistant United States Attorney
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3 **UNITED STATES DISTRICT COURT**
4 **DISTRICT OF NEVADA**

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6 UNITED STATES OF AMERICA,)

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9 LARRY GODDALL,)

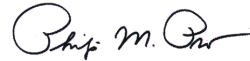
10 Defendant.)
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GOVERNMENT'S
MOTION FOR CONTINUANCE

12 Based upon the pending motion of the United States in the above-captioned matter, and
13 good cause appearing,

14 **IT IS ORDERED** that the United States motion for a continuance is GRANTED. The
15 United States' response to defendant's motion under 28 U.S.C. § 2255 is due **May 13, 2013**.

16 DATED this _8th day of April, 2013.

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UNITED STATES DISTRICT JUDGE
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